

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

JOANN WRIGHT HAYSBERT)

Plaintiff,)

v.)

BLOOMIN' BRANDS, INC., et al.)

Defendants.)

Case No.: 4:24cv87

DEFENDANT BLOOMIN' BRANDS, INC.'S MOTION TO DISMISS

COMES NOW, the Defendant, Bloomin' Brands, Inc., by counsel, and hereby moves this Court to dismiss this cause of action against it, and in support thereof relies upon its Memorandum of Law.

Defendants seek dismissal pursuant to Federal Rule of Civil Procedure 12(b)(6), and assert that this cause of action fails to state a claim for which relief can be granted. Bloomin' Brands, Inc., is not a proper party to these proceedings as demonstrated in the previous litigation. Bloomin' Brands is not responsible for any act or omission at the subject location. Accordingly, Bloomin' Brands, Inc., moves this Court to sustain this Motion to Dismiss and dismiss it as a party from these proceedings.

BLOOMIN' BRANDS, INC
By Counsel

McGAVIN, BOYCE, BARDOT,
THORSEN & KATZ, P.C.
9990 Fairfax Boulevard, Suite 400
Fairfax, VA 22030
Telephone: (703) 385-1000
Facsimile: (703) 385-1555

/s/ John D. McGavin
John D. McGavin (VSB 21794)
jmcgavin@mbbtklaw.com
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of July 2024, a true and accurate copy of the foregoing
was sent via the CM/ECF system and served by email and mail, postage paid to:

Joann Wright Haysbert
244 William R. Harvey Way
Hampton, VA 23669
joannhaysbert@yahoo.com
Pro Se Plaintiff

/s/ John D. McGavin
John D. McGavin (VSB 21794)

ROSEBORO NOTICE

Pursuant to Local Civil Rule 7(K) and Roseboro v. Garrison, 528 F.2d309 (4th Cir. 1975), undersigned counsel advises Plaintiff of the following:

1. Plaintiff is entitled to file a response opposing the motion; any such response must be Filed within twenty-one (21) days of the date on which this Motion to Dismiss was filed;
2. The Court could dismiss the action on the basis of Defendant's moving papers if Plaintiff does not file a response;
3. Plaintiff must identify all facts stated by Defendants with which the Plaintiff Disagrees and must set forth the Plaintiff's version of the facts by offering affidavits (written Statements signed before a Notary Public and under oath) or by filing sworn statements (bearing a certificate that is signed under penalty of perjury); and
4. Plaintiff is also entitled to file a legal brief in opposition to the one filed by Defendants.